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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,150	11/25/2003	Jong Seok Kim	465-1082P	4305

2292 7590 03/08/2007
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EXAMINER

PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/08/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/720,150

Applicant(s)

KIM ET AL.

Examiner

Rita R. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Arguments / Amendments

This Office Action is responsive to the amendment filed on 12/11/06. Claims 1-16 have been amended. Claims 17-20 have been added. Claims 1-20 are pending. Applicant's arguments have been considered, but are not persuasive. Thus, claims 1-20 are finally rejected for the reasons of record.

Applicant notes that provisional obviousness-type double patenting rejections have been made over claims 1, 2, 6, and 11-16 over Application Nos. 10/722,426, 10/722,443, and 10/722,455, however, applicant argues that the Examiner has not made out a prima facie case of obviousness by explaining in detail how the individual claims rejected in the application are obvious and thus not meeting the Examiner's burden of proof. The Office maintains its provisional obviousness-type double patenting rejections over said claims, as the Office successfully indicates with more detail herein the claims in the corresponding applications that align with the current application, as well as indicate specific overlapping structural pieces that are taught by each application.

On page 8 of the Remarks, applicant contests that the first fastening member 54 is configured to fasten a bellows 44 to a stationary drum 25 and is not configured to prevent a lip from drooping to prevent an interruption between the lip and the drum as required by independent claims 1, 11, and 17. However, the bellows 44 read on applicant's claims for a lip and thus the fastening member 54 prevents a "lip" from

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drooping and prevents an interruption between the lip and drum by forming these two parts integrally.

Secondly, applicant states that the ribs 69a, 69b, 69c of Kronbetter are all formed on an exterior surface of the first fastening member 54 of bellows 44 and the ribs 69a, 69b, 69c are part of the fastening arrangement that attaches bellows 44 to the tub 40, and as such they are not formed around an entire inner circumference of the bellows 44. It is correctly indicated by the applicant that ribs 69a, 69b, 69c are formed on an exterior surface of the bellows 44 which is affixed to the tub 40. However, the Office maintains that the bellows extend radially about the tub to an extent; in *arguendo*, if the bellows do not extend completely around the radial surface of the tub, it is still maintained that the bellows extend a significant portion radially about the tub. Extending about the tub is at once envisaged because bellows are known to form a waterproof seal about the tub.

Additionally, in response to applicant's new claim amendments and newly added claims, the ribs 69a, 69b, 69c of the bellow 44 are formed integrally with the tub 40. It is at once envisaged that the ribs of Kronbetter are uniformly shaped about and formed along the entire radial circumference of the bellow 44.

Claim Rejections - 35 USC § 112

35 U.S.C. 112, second paragraph, rejections over claims 5 and 10 have been overcome due to applicant's amendments made to the claims filed 12/11/06.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kronbetter et al. herein referred to as "Kronbetter" (US Patent No. 6,256,823).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The drum is tilted horizontally at a 90 degree angle from a traditional vertical orientation for said washing machine. Tilted drum assemblies in washing machines are commonly known in the art, as they provide increased usability in loading and unloading laundry, and are space efficient in that items may be put on top of the washer, such as a laundry basket and detergent containers, or even a stacked type drying machine.

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip 80 engageable with the door, whereby the stationary drum is sealed to the front panel of

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the washing machine. Kronbetter's teaching of a first fastening member 54 reads on applicant's claim for a support member. Kronbetter's disclosure of fins 69a, 69b, 69c reads on applicant's claim for a reinforcement rib formed on the support member. As seen in Figure 3, there are a plurality of said reinforcement ribs, fins 69a, 69b, 69c, which are illustratively shown to have a predetermined interval from one another. Moreover, as seen by the depression of fins 69a, 69b, 69c in Figure 3, the fins inherently form a predetermined distance from the inner lateral side of the lip, which is nearly equal to the width of an individual fin. Kronbetter's teaching of axially extending rib 65 reads on applicant's claim for a protrusion formed on an inner lateral side of the lip to be contacted with the tub. The ribs 69a, 69b, 69c of the bellow 44 are formed integrally with the tub 40. It is at once envisaged that the ribs of Kronbetter are uniformly shaped about and formed along the entire radial circumference of the bellow 44.

Moreover, the axially extending rib 65 is formed at a tip of the lip. As seen in Figure 2 of Kronbetter, the protrusion, or axially extending rib 65 is formed at the top and bottom of the washing drum 25, thus reading on applicant's claim wherein the protrusion is plurally formed to leave a predetermined interval from each other.

Moreover, as seen in Figure 2, the axially extending rib 65 is formed at a predetermined distance from the stationary drum 25 and the rotating drum 30. Also diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 which read respectively on applicant's claim for a first plane portion coupled to the cabinet, a

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second plane portion coupled to the tub, and a bending portion connecting the first plane portion to the second plane portion.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Son et al. (US Patent No. 6,584,814) teaches a washing machine with a tilted tub and drum therein; Son teaches said invention is capable of allowing laundry to be easily put into and taken out of the tilted washing tub and also reduces manufacturing costs by allowing one type of casing to be commonly used for the washing machine with the tilted washing tub and a washing machine with a perpendicular washing tub, and which then allows the parts of the washing machine to be easily attached to the washing machine (col. 2, lines 2-10). Kim et al. (US 2004/0025544) teaches a horizontal washing machine with a gasket 30 for preventing water and laundry received in the drum 20 and tub 10 from being leaked outside the tub 10 (Paragraph [0045]). As seen in Figure 2 of Kim et al. the gasket creates a sealing path from the door along a straight away then forms a "Z"-shape and follows along a second horizontal straightaway where it connects with the edge of the drum 20, and finally forms a vertical path which connects with the tub 10.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 and 11-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 5, 10-12, and 15 of copending Application No. 10/722,426. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a drum type washing machine with a cabinet, drum, tub, and gasket therein; in addition to a support member between the drum and tub for providing sealing means. Copending application 10/722,426 teaches a leakage preventing part which reads on applicant's claim for a gasket, with a ring protrusion protruding towards a center which reads on applicant's claim for a lip extending inwardly in a radial direction.

Claims 1-2 and 11-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3, 7, and 9-10 of copending Application No. 10/722,443. Although the conflicting claims are not

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identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a gasket, a laundry-stuck preventing part, and a leakage preventing part. Copending application 10/722,443 teaches a leakage preventing part which reads on applicant's claim for a gasket, with a laundry-stuck preventing part extending inwardly in a radial direction which reads on applicant's claim for a lip extending inwardly in a radial direction, and a first, second, and third connecting members read on applicant's claim for a support member configured to prevent the lip from drooping to prevent an interruption between the lip and the drum.

Claims 1-2, 6, and 11-16 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 9-11 of copending Application No. 10/722,455. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a washing machine including a cabinet, drum, tub, gasket, first, second, and third openings, a leakage preventing part, a deformation preventing part, and a laundry-stuck preventing part. Copending application teaches a gasket with a laundry-stuck extending inwardly in a radial direction which read on applicant's claims for a gasket with a lip extending inwardly in a radial direction, and deformation preventing part reads on applicant's claims for a support member.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

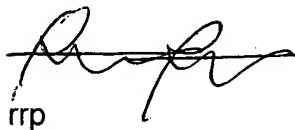
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



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SUPERVISORY PATENT EXAMINER